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TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: April 7, 2011
RE: Retaining Walls

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On March 3, 2011, the Planning Commission Ordinance Committee concluded review and recommended approval of ordinance amendment language regarding retaining walls. New ordinance language is underlined, and existing ordinance language to be deleted is ~~stricken~~. Background information is included to provide context for the proposed ordinance amendment. It is now returning to the Committee for further review. The below language reflects Committee input from March 3.

Proposed definition:

Article 13, Definitions

Retaining wall: A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher elevation. (Definition taken from the City of Wellesley, MA)

Seawall: A wall of stone, concrete, or other sturdy material, built along the banks or shoreline of any river, stream, brook, or lake to prevent erosion. (Definition modified from Dictionary of Geology)

Height Limit & Setbacks:

Retaining wall height limits are currently tied to zoning district height limits (i.e. 35' in RL, 45' in ELM, etc). The retaining wall regulations of 8 municipalities were reviewed in preparation of this memo. Height limits specifically pertaining to retaining walls varied, but six of them included height limits of 8' tall or less. The other two were 30' (Wellesley, MA) and zoning district height limit (Montpelier, VT). Note that 4 of the municipalities exempted retaining walls of 4' tall or less from any permitting requirement.

Setback requirements varied widely, ranging from 0' to 35'. Some were simple setbacks (i.e. 10' from any property line) and others incorporated a sliding scale based on the size of the property. Some of the setbacks pertained to the distance between tiered retaining walls (i.e. the distance between two tiered walls must be at least equal to the height of the upper wall).

Height limits and setbacks associated with retaining walls should be located as a separate item under its present subsection 5.2.5 (b), rather than incorporated into item 2 as it is presently located. A tiered approach to height and setbacks seems to make the most sense. Within the standard setback, a retaining wall may not exceed "X" height and outside of the setback it may not exceed "Y" height. A potential problem here is the treatment of seawalls. They are always located within the lakeshore setback and, depending on the site, may well exceed the "X" height specified for

retaining walls within a setback. This potential problem should be addressed by specifically exempting seawalls from the standard retaining wall height limits.

Sec. 5.2.5, Setbacks, (b) Exceptions to Yard Setbacks Requirements

2. Building and Site Features. Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, ~~walls~~, and similar building and site features may project into a required yard setback.
7. Retaining Walls. Retaining walls no greater than 3' tall may project into a required yard setback, but in any event, retaining walls shall be set back a minimum of 18" from a property boundary. Up to three tiered 3' tall retaining walls may be placed within a required yard setback so long as the upper retaining walls are set back from the lower retaining walls a distance at least equal to the height of the upper retaining wall. Retaining walls placed outside a required yard setback shall not exceed 10' in height unless reviewed and approved by the Development Review Board in consultation with the City Engineer subject to the provisions of Article 6. These provisions shall not apply to retaining walls acting as seawalls and constructed along, and parallel to, the banks of any river, stream, or brook or constructed below the 102' elevation along the Lake Champlain shoreline.

Design Review:

Sec. 5.2.5, *Setbacks, (b) Exceptions to Yard Setback Requirements* already requires that building and site features, including retaining walls, that project into required setbacks be subject to the design review standards of Article 6. So as to keep all design review standards under Article 6, any new design review standards specifically aimed at retaining walls should be inserted into Sec. 6.2.2, *Review Standards, (m) Landscaping and Fences*. The subsection heading should be changed to “*Landscaping, Fences, and Retaining Walls*.”

(m) Landscaping and Fences and Retaining Walls

Retaining walls greater than 3 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.